

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT KINNEAR,

Defendant.

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8:13CR466

ORDER

This matter is before the court on the motion for an extension of time by defendant Robert Kinnear (Kinnear) (Filing No.16). Kinnear seeks an additional time in which to file pretrial motions in accordance with the progression order. Kinnear's counsel represents that government's counsel has no objection to the motion. Kinnear's counsel represents Kinnear will file an affidavit agreeing to the motion and recognizing the additional time will be excluded under the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Kinnear's motion for an extension of time (Filing No. 16) is granted. Kinnear is given until **on or before January 22, 2014**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 9, 2014, and January 22, 2014**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

2. Kinnear shall file his affidavit within seven days of this order.

DATED this 9th day of January, 2014.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge